



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUPREME OIL COMPANY,

Petitioner,

-against-

08 Civ. 1875 (LAK)

UFCW LOCAL 174 COMMERCIAL HEALTH CARE  
FUND AND COMMERCIAL PENSION FUND, et ano.,

Respondents.  
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### ORDER

LEWIS A. KAPLAN, *District Judge.*

Petitioner moves for an order, pursuant to 9 U.S.C. § 10, dismissing an arbitration noticed by respondents pursuant to the terms of a collective bargaining agreement. The notice and petition invokes jurisdiction pursuant to 9 U.S.C. § 10.

Neither 9 U.S.C. § 10 nor, more broadly, the Federal Arbitration Act confers subject matter jurisdiction on the federal courts. *E.g., Stolt-Nielsen S.A. v. Celanese A.G.*, 430 F.3d 567, 572 (2d Cir. 2005); *Westmoreland Capital Corp. v. Findlay*, 100 F.3d 263, 267 (2d Cir. 1996). Accordingly, petitioner shall show cause, on or before March 13, 2008, why this action should not be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: March 3, 2008

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

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Lewis A. Kaplan  
United States District Judge